

SENATE BILL NO. 839

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on General Laws

on \_\_\_\_\_)

(Patrons Prior to Substitute--Senators Locke, McPike [SB 1049], and Ebbin [SB 1190])

A BILL to amend and reenact § 36-139 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 36-139.9, relating to Department of Housing and Community Development; Virginia Housing Development Authority; statewide housing needs assessment and plan; annual report on spending.

**Be it enacted by the General Assembly of Virginia:**

**1. That § 36-139 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 36-139.9 as follows:**

**§ 36-139. Powers and duties of Director.**

The Director of the Department of Housing and Community Development shall have the following responsibilities:

- 1. Collecting from the governmental subdivisions of the Commonwealth information relevant to their planning and development activities, boundary changes, changes of forms and status of government, intergovernmental agreements and arrangements, and such other information as he may deem necessary.
- 2. Making information available to communities, planning district commissions, service districts and governmental subdivisions of the Commonwealth.
- 3. Providing professional and technical assistance to, and cooperating with, any planning agency, planning district commission, service district, and governmental subdivision engaged in the preparation of development plans and programs, service district plans, or consolidation agreements.
- 4. Assisting the Governor in the providing of such state financial aid as may be appropriated by the General Assembly in accordance with § 15.2-4216.

26           5. Administering federal grant assistance programs, including funds from the Appalachian  
27 Regional Commission, the Economic Development Administration and other such federal agencies,  
28 directed at promoting the development of the Commonwealth's communities and regions.

29           6. Developing state community development policies, goals, plans and programs for the  
30 consideration and adoption of the Board with the ultimate authority for adoption to rest with the Governor  
31 and the General Assembly.

32           7. Developing a Consolidated Plan to guide the development and implementation of housing  
33 programs and community development in the Commonwealth for the purpose of meeting the housing and  
34 community development needs of the Commonwealth and, in particular, those of low-income and  
35 moderate-income persons, families and communities.

36           8. Determining present and future housing requirements of the Commonwealth on an annual basis  
37 and revising the Consolidated Plan, as necessary to coordinate the elements of housing production to  
38 ensure the availability of housing where and when needed.

39           9. Assuming administrative coordination of the various state housing programs and cooperating  
40 with the various state agencies in their programs as they relate to housing.

41           10. Establishing public information and educational programs relating to housing; devising and  
42 administering programs to inform all citizens about housing and housing-related programs that are  
43 available on all levels of government; designing and administering educational programs to prepare  
44 families for home ownership and counseling them during their first years as homeowners; and promoting  
45 educational programs to assist sponsors in the development of low and moderate income housing as well  
46 as programs to lessen the problems of rental housing management.

47           11. Administering the provisions of the Industrialized Building Safety Law (§ 36-70 et seq.).

48           12. Administering the provisions of the Uniform Statewide Building Code (§ 36-97 et seq.).

49           13. Establishing and operating a Building Code Academy for the training of persons in the content,  
50 application, and intent of specified subject areas of the building and fire prevention regulations  
51 promulgated by the Board of Housing and Community Development.

- 52 14. Administering, in conjunction with the federal government, and promulgating any necessary  
53 regulations regarding energy standards for existing buildings as may be required pursuant to federal law.
- 54 15. Identifying and disseminating information to local governments about the availability and  
55 utilization of federal and state resources.
- 56 16. Administering, with the cooperation of the Department of Health, state assistance programs  
57 for public water supply systems.
- 58 17. Advising the Board on matters relating to policies and programs of the Virginia Housing Trust  
59 Fund.
- 60 18. Designing and establishing program guidelines to meet the purposes of the Virginia Housing  
61 Trust Fund and to carry out the policies and procedures established by the Board.
- 62 19. Preparing agreements and documents for loans and grants to be made from the Virginia  
63 Housing Trust Fund; soliciting, receiving, reviewing and selecting the applications for which loans and  
64 grants are to be made from such fund; directing the Virginia Housing Development Authority and the  
65 Department as to the closing and disbursing of such loans and grants and as to the servicing and collection  
66 of such loans; directing the Department as to the regulation and monitoring of the ownership, occupancy  
67 and operation of the housing developments and residential housing financed or assisted by such loans and  
68 grants; and providing direction and guidance to the Virginia Housing Development Authority as to the  
69 investment of moneys in such fund.
- 70 20. Establishing and administering program guidelines for a statewide homeless intervention  
71 program.
- 72 21. Administering 15 percent of the Low Income Home Energy Assistance Program (LIHEAP)  
73 Block Grant and any contingency funds awarded and carry over funds, furnishing home weatherization  
74 and associated services to low-income households within the Commonwealth in accordance with  
75 applicable federal law and regulations.
- 76 22. Developing a strategy concerning the expansion of affordable, accessible housing for older  
77 Virginians and Virginians with disabilities, including supportive services.

78           23. Serving as the Executive Director of the Commission on Local Government as prescribed in §  
79 15.2-2901 and perform all other duties of that position as prescribed by law.

80           24. Developing a strategy, in consultation with the Virginia Housing Development Authority, for  
81 the creation and implementation of housing programs and community development for the purpose of  
82 meeting the housing needs of persons who have been released from federal, state, and local correctional  
83 facilities into communities.

84           25. Administering the Private Activity Bonds program in Chapter 50 (§ 15.2-5000 et seq.) of Title  
85 15.2 jointly with the Virginia Small Business Financing Authority and the Virginia Housing Development  
86 Authority.

87           26. Developing a statement of tenant rights and responsibilities explaining in plain language the  
88 rights and responsibilities of tenants under the Virginia Residential Landlord and Tenant Act (§ 55.1-1200  
89 et seq.) and maintaining such statement on the Department's website. The Director shall also develop and  
90 maintain on the Department's website a printable form to be signed by the parties to a written rental  
91 agreement acknowledging that the tenant has received from the landlord the statement of tenant rights and  
92 responsibilities as required by § 55.1-1204. The Director may at any time amend the statement of tenant  
93 rights and responsibilities and such printable form as the Director deems necessary and appropriate. The  
94 statement of tenant rights and responsibilities shall contain a plain language explanation of the rights and  
95 responsibilities of tenants in at least 14-point type. The statement shall provide the telephone number and  
96 website address for the statewide legal aid organization and direct tenants with questions about their rights  
97 and responsibilities to contact such organization.

98           27. Developing a statement of tenant rights and responsibilities explaining in plain language the  
99 rights and responsibilities of tenants under the Virginia Manufactured Home Lot Rental Act (§ 55.1-1300  
100 et seq.) and maintaining such statement on the Department's website. The Director shall also develop and  
101 maintain on the Department's website a printable form to be signed by the parties to a written rental  
102 agreement acknowledging that the tenant has received from the landlord the statement of tenant rights and  
103 responsibilities as required by § 55.1-1303. The Director may at any time amend the statement of tenant  
104 rights and responsibilities and such printable form as the Director deems necessary and appropriate. The

105 statement of tenant rights and responsibilities shall contain a plain language explanation of the rights and  
106 responsibilities in at least 14-point type. The statement shall provide the telephone number and website  
107 address for the statewide legal aid organization and direct tenants with questions about their rights and  
108 responsibilities to contact such organization.

109 28. Developing a sample termination notice that includes language referencing acceptance of rent  
110 with reservation by a landlord following a breach of a lease by a tenant in accordance with § 55.1-1250.  
111 The sample termination notice shall be in at least 14-point type and shall be maintained on the  
112 Department's website.

113 29. Conducting a comprehensive statewide housing needs assessment at least every five years,  
114 which shall include (i) a review of housing cost burden and instability, supply and demand for affordable  
115 rental housing, and supply and demand for affordable for-sale housing and (ii) regional or local profiles  
116 that focus on specific housing needs of particular regions or localities.

117 30. Developing a statewide housing plan that reflects the findings of the statewide housing needs  
118 assessment conducted pursuant to subdivision 29, which plan shall include measurable goals and be  
119 updated at least every five years to reflect changes in the Commonwealth's housing goals, and providing  
120 an annual report to the General Assembly on progress toward meeting the goals identified in such plan  
121 and the availability of housing that is accessible to people with disabilities.

122 31. Collecting reports submitted by localities pursuant to § 36-139.9 in any manner prescribed by  
123 the Department, including any forms developed by the Department to collect the information required to  
124 be reported by the localities pursuant to such section and publishing such reports on its website.

125 32. Carrying out such other duties as may be necessary and convenient to the exercise of powers  
126 granted to the Department.

127 **§ 36-139.9. Local housing policy; report to Department.**

128 A. Any locality with a population greater than 3,500 shall submit annually to the Department a  
129 report summarizing the adoption or amendment of any local policies, ordinances, or processes affecting  
130 the development and construction of housing during the preceding fiscal year. Such report shall contain a

131 description of the following items and, if available, a reference to where additional information can be  
132 found on the locality's website:

133 1. Adoption or amendment of a local proffer policy enacted by the locality pursuant to § 15.2-  
134 2298, 15.2-2303, or 15.2-2303.1;

135 2. Adoption or amendment of any provisions of the zoning ordinance affecting the development,  
136 redevelopment, or construction of single-family or multifamily housing;

137 3. Adoption or amendment of any provisions of the subdivision ordinance affecting the  
138 development, redevelopment, or construction of single-family or multifamily housing;

139 4. Revisions to the comprehensive plan affecting the location, density, or character of single-family  
140 or multifamily housing;

141 5. Adoption or amendment of any ordinances, incentives, or policies designed to encourage the  
142 development, redevelopment, or construction of housing, including accessory dwelling unit ordinances,  
143 affordable dwelling unit ordinances pursuant to § 15.2-2304, 15.2-2305, or 15.2-2305.1, fee waivers,  
144 density bonuses, waiver or reduction of local parking requirements, new construction or rehabilitation tax  
145 incentives, and development standard modifications; and

146 6. Changes to any local fees associated with the reviewing, permitting, and construction of  
147 residential development activities.

148 B. Reports submitted by localities pursuant to this section shall be submitted to the Department  
149 annually by September 1 for the preceding fiscal year. Reports shall be submitted in accordance with any  
150 forms and requirements developed by the Department, in consultation with stakeholders.

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